

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out the title and substituting the following:

'An Act Regarding MaineCare Pharmacy Professional Fees'

Further amend the bill by striking out everything after the title and before the summary and inserting the following:

‘

Sec. 1. 22 MRSA §3194 is enacted to read:

§ 3194. Report on cost of dispensing medication

The Office of MaineCare Services within the department shall biennially review and report to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs regarding the cost of dispensing a medication in the State. By July 1st of each even-numbered year, the Office of MaineCare Services shall consider adjusting, through MaineCare rule amendment, the MaineCare pharmacy professional fee to reflect the cost of dispensing a medication in the State.

Sec. 2. MaineCare pharmacy professional fees. The Department of Health and Human Services, Office of MaineCare Services shall:

1. After implementation by the federal Centers for Medicare and Medicaid Services of the federal regulations setting new average manufacturer-price-based federal upper limits pursuant to the federal Deficit Reduction Act of 2005, review the projected impact of those regulations for fiscal years 2007-08 and 2008-09 on MaineCare pharmacy reimbursement for multiple source drugs. Within 90 days of implementation, the department shall report on the review to the joint standing committee of the Legislature having jurisdiction over health and human services matters; and

2. Within 15 days of the department's submitting the report under subsection 1 to the joint standing committee of the Legislature having jurisdiction over health and human services matters, adopt emergency rules that use any savings accruing to the MaineCare program from the new average manufacturer-price-based federal upper limits to adjust the professional fee paid to licensed pharmacies for dispensing multiple source drugs to MaineCare members. The purpose of this adjustment is to compensate pharmacies in the State for reimbursement projected to be lost throughout fiscal years 2007-08 and 2008-09 as a result of the new federal upper limits on MaineCare payments to pharmacies for multiple source drugs.’

SUMMARY

This amendment replaces the bill. It provides a process for determining the cost of dispensing a medication under the MaineCare program, for reporting that information to legislative committees and for raising the professional fee paid to pharmacies for dispensing medications. It requires the Department of Health and Human Services, Office of MaineCare Services to consider adjusting the fee every 2 years.

FISCAL NOTE REQUIRED
(See attached)